

Notice of Allowability

Application No.

10/642,496

Examiner

Frederick C. Nicolas

Applicant(s)

PENN, LAURENCE RICHARD

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/18/2003.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 18 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/03 & 2/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/30/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Preliminary Amendment

1. The preliminary amendment filed on 8/18/2003 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicant's attorney Mr. Andrew Chu on 8/30/2004.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1, line 19 of the preliminary amendment filed 8/18/2003, after "inlet", --,-- has been inserted; line 19, after "chamber", --,-- has been inserted; line 19, "whilst" has been deleted and --while-- has been inserted; line 20, after "chamber", --,-- has been inserted; line 20, "an outlet" has been deleted and --a first outlet-- has been inserted; line 22, "bore" has been deleted and --chamber,-- has been inserted; line 22, "whilst" has been deleted and --while-- has been inserted; line 22, "said" has been deleted; line 22, "bore" has been deleted and --chamber,-- has been inserted; line 23, "an outlet" has been deleted and --a second outlet-- has been inserted.

IN THE SPECIFICATION:

On page 7 of the specification, line 13, "chamber 6" has been deleted and

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--chamber 2-- has been inserted; line 19, ""short"" has been deleted and --"shot"-- has been inserted.

Allowable Subject Matter

3. Claims 1-6 are allowed.

4. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a metering device in combination with the other claimed limitations of claim 1:

"wherein the valve arrangement means comprises a rotary valve rod contained within a valve bore, and a mechanism to rotate the valve rod, the fluid flow ducts from the chamber extending to the valve bore, at least one fluid inlet extending to the valve bore and at least one fluid outlet extending from the valve bore, the valve rod, in combination with the valve bore, defining fluid flow passages which, in one orientation of the valve rod, serve to interconnect a fluid flow inlet, and the fluid flow duct extending to one end of the chamber, while interconnecting the fluid flow duct extending to the other end of the chamber, with a first outlet and, in an alternate orientation, serving to interconnect the fluid flow inlet with the fluid flow duct extending to the other end of the chamber, while connecting the fluid flow duct extending to the one end of the chamber, with a second outlet".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Curtis 4,915,264, Emmerich et al. 5,829,633, Demers et al. 4,162,750 and Penn 6,676,387 disclose other types of metering device.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-305-6385. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancene L. Gene, can be reached on 703-308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
September 1, 2004

 9/1/04
Frederick C. Nicolas
Patent Examiner
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